

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv298

SHIRLEY FITE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on the Defendant's Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). [Doc. 14]. The Plaintiff consents to the motion.

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant here has moved for reversal of his decision and for remand of this case for further administrative proceedings.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). Upon remand to the Commissioner, the Appeals Council shall instruct the ALJ to: (1) address Dr. Carraway's medical opinion regarding Plaintiff's ability to perform work-related functions, and indicate the weight given to the opinion evidence; (2) re-evaluate Plaintiff's physical (including carpal tunnel syndrome) and mental (depression) impairments; (3) re-evaluate Plaintiff's mental impairments in accordance with the special technique; (4) give further consideration to Plaintiff's residual functional capacity; (5) further evaluate Plaintiff's subjective complaints; and (6) obtain testimony from a vocational expert to clarify the demands of Plaintiff's past relevant work and/or the effect of the assessed limitations on her occupational base. The ALJ will associate the claim files, including the file from Plaintiff's subsequent application, dated February 2, 2011, and issue a new decision on the associated claims.

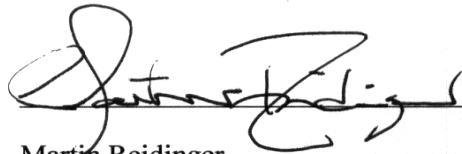
IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 14] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

IT IS SO ORDERED.

Signed: May 18, 2012


Martin Reidinger
United States District Judge

